



# Rockland County

Ed Day, Rockland County Executive

## DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center

50 Sanatorium Road, Building T

Pomona, New York 10970

Phone: (845) 364-3434 Fax: (845) 364-3435

**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

April 26, 2018

Orangetown Town Board  
26 Orangeburg Road  
Orangeburg, NY 10962

**Tax Data:**

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M

**Map Date:**

**Date Review Received:** 4/4/2018

**Item:** *TOWN OF ORANGETOWN - DEVICES IN PUBLIC ROW AND EASEMENTS (O-2346)*

Zoning Code Amendment to regulate non-temporary, non-utility, third-party devices being attached to utility poles in public rights-of-way and easements, throughout the Town of Orangetown. Non-utility devices include, but are not limited to, security cameras. This Local Law would provide the opportunity for the Town to have better oversight of the installation of devices by imposing requirements on the location, appearance, installation, and removal of non-utility devices. Oversight of installation of these devices would be done by either the Town of Orangetown Police Department or the Town Code Enforcement Officer, depending on the type of device being proposed.

Throughout the Town

**Reason for Referral:**

Town of Clarkstown, Villages of Chestnut Ridge, Grand View-on-Hudson, Nyack, Piermont, and South Nyack; State and County roads, parks and facilities; County streams; Palisades Interstate Parkway; Long Path

The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

***\*Recommend the following modifications***

- 1 Since the public rights-of-ways or easements could include State highways, County roads, or the Palisades Interstate Parkway, the Local Law should be expanded to include review of the proposed installation of the non-utility devices by the appropriate State or County agency.

**TOWN OF ORANGETOWN - DEVICES IN PUBLIC ROW AND EASEMENTS (O-2346)**

2 Since the public easements could include land within State or County parkland, the Local Law should be expanded to include review of the proposed installation of the non-utility devices by the appropriate State or County agency.



Douglas J. Schmetz  
Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown  
New York State Department of Transportation  
Palisades Interstate Park Commission  
Rockland County Department of Highways  
Rockland County Division of Environmental Resources

*\*NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

*The review undertaken by the Rockland County Planning Department is pursuant to, and follows the mandates of Article 12-B of the New York General Municipal Law. Under Article 12-B the County of Rockland does not render opinions, nor does it make determinations, whether the item reviewed implicates the Religious Land Use and Institutionalized Persons Act. The Rockland County Planning Department defers to the municipality forwarding the item reviewed to render such opinions and make such determinations if appropriate under the circumstances.*

*In this respect, municipalities are advised that under the Religious Land Use and Institutionalized Persons Act, the preemptive force of any provision of the Act may be avoided (1) by changing a policy or practice that may result in a substantial burden on religious exercise, (2) by retaining a policy or practice and exempting the substantially burdened religious exercise, (3) by providing exemptions from a policy or practice for applications that substantially burden religious exercise, or (4) by any other means that eliminates the substantial burden.*

*Proponents of projects are advised to apply for variances, special permits or exceptions, hardship approval or other relief.*

*Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.*